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CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

RENEWED EFFORTS OF NEIGHBORS
AGAINST LANDFILL EXPANSION, an
unincorporated association,

Plaintiff,

vs.

COUNTY OF SONOMA, a political
subdivision of the State of California;
SONOMA COMPOST COMPANY, a
corporation; SONOMA COUNTY WASTE
MANAGEMENT AGENCY, a public
agency,

Defendants.

Case No. 3:14-CV-03804-TEH

NOTICE OF SETTLEMENT; STIPULATION
AND ~~PROPOSED~~ ORDER STAYING
PROCEEDINGS AND VACATING
EXISTING DEADLINES

Judge: Hon. Thelton E. Henderson

Case Management Conference: August 3, 2015
Time: 1:30 p.m.

PLEASE TAKE NOTICE that the remaining parties in this action, Plaintiff RENEWED EFFORTS OF NEIGHBORS AGAINST LANDFILL EXPANSION (“RENALE”), and Defendant SONOMA COMPOST COMPANY (“Sonoma Compost”) (hereinafter collectively “settling parties”), have reached a settlement resolving all claims in this action. The settling parties plan to finalize the terms of the settlement agreement by July 29, 2015. The settlement will be contingent upon the expiration of the federal agencies’ 45-day review period required by the Federal Water Pollution Control Act, 33 U.S.C. § 1365(c)(2).¹

¹ Title 33 of the United States Code, Section 1365(c)(2) provides that “[n]o consent judgment shall be entered Notice Of Settlement; Stipulation and [Proposed] Order Staying Proceedings and Vacating Existing Deadlines

PLEASE TAKE FURTHER NOTICE that, in accordance with federal law, no judgment disposing of this action may be entered prior to 45 days following the receipt of the proposed settlement agreement by the United States Department of Justice and the national and Region IX offices of the United States Environmental Protection Agency. *See* 40 C.F.R. § 135.5 (requiring the parties to provide notice to the court of the 45-day agency review period under 33 U.S.C. § 1365(c)). Such notice will be mailed to the agencies by July 30, 2015. The regulatory agencies' review period will end by approximately September 23, 2015 (allowing forty-five days for agency review and approximately ten days for mailing time). If any of the reviewing agencies object to the proposed Settlement Agreement, the settling parties would require additional time to meet and confer and attempt to resolve the agencies' concerns. At the end of the 45-day review period, the settling parties will file either a Stipulation for Approval of Settlement Agreement and Dismissal of Plaintiff's Claims with Prejudice or a notice that the agencies objected to the proposed Settlement Agreement.

In light of the settlement agreement that will be entered into by the settlement parties and the need to await the conclusion of the agencies' 45-day review period, the settling parties, through their respective counsel, stipulate and agree as follows:

WHEREAS, on August 21, 2014, RENALE filed its complaint in this action;

WHEREAS, RENALE and Sonoma Compost have been diligently engaged in settlement discussions for the past six weeks;

WHEREAS, the settling parties have agreed on all material terms of a Settlement Agreement and plan to execute it by July 29, 2015.

WHEREAS, by July 30, 2015, the settling parties will submit the Settlement Agreement via certified mail, return receipt requested, to the U.S. EPA and the U.S. Department of Justice and will then await the completion of the 45-day review period set forth at 40 C.F.R. § 135.5 and 33 U.S.C. §

in an action in which the United States is not a party prior to 45-days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator."

1365(c)(2);

WHEREAS, in the interests of efficiency and judicial economy, the settling parties wish to preserve costs incurred in this matter pending the agencies review of the executed settlement agreement;

WHEREAS, a case management conference is scheduled for August 3, 2015;

WHEREAS, in light of the settling parties' entering into the Settlement Agreement and the need to allow the federal agencies 45 days to review the Settlement Agreement, the settling parties further request that the Court immediately stay all proceedings in this action until September 23, 2015, by which date the settling parties expect to have filed a Stipulation for Approval of Settlement Agreement and Dismissal of Plaintiff's Claims with Prejudice with the Court.

THEREFORE, IT IS HEREBY STIPULATED by and between RENALE and Sonoma Compost, through their respective counsel of record, that the Court stay all proceedings in this action until September 23, 2015, and, with the exception of this Stipulation, vacate all deadlines and dates currently scheduled by the Court.

July 27, 2015

Respectfully submitted,

/s/ Douglas J. Chermak
Douglas J. Chermak
Attorneys for Plaintiff RENEWED EFFORTS
OF NEIGHBORS AGAINST LANDFILL
EXPANSION

/s/ Nicole E. Granquist
(as authorized on 7/27/15)
Nicole E. Granquist
Attorney for Defendant SONOMA COMPOST
COMPANY

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 07/28/2015



